

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

TERRENCE F. HARDGROUND,

Plaintiff,

vs.

VALLEY COUNTY DETENTION  
CENTER, et al.,

Defendants.

CV 15-00100-GF-BMM-JTJ

FINDINGS AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE

This matter comes before the Court on Plaintiff Terrence Hardground's Complaint filed pursuant to 42 U.S.C. § 1983. Mr. Hardground alleges Defendants interfered with documents he placed in the mail while he was incarcerated at the Valley County Detention Center. (Doc. 2.) On March 30, 2016, the undersigned conducted an initial screening of Mr. Hardground's Complaint under 28 U.S.C. § 1915 and found that, as currently plead, the Complaint failed to state a claim upon which relief may be granted. (Doc. 7.) Mr. Hardground was directed to file an amended complaint on or before April 22, 2016; he failed to do so.

Accordingly, for the reasons set forth in the Court's March 30, 2016 Order

(Doc. 7), the Court issues the following:

### **RECOMMENDATIONS**

1. This matter should be dismissed with prejudice for failure to state a claim.

2. The Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint is frivolous as it lacks arguable substance in law or fact.

4. The Clerk of Court should be directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g). Mr. Hardground failed to state a claim upon which relief may be granted.

### **NOTICE OF RIGHT TO OBJECT TO FINDINGS & RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

Mr. Hardground may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.<sup>1</sup> 28

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<sup>1</sup> As this deadline allows a party to act after the Findings and Recommendations is “served,” it falls under Fed.R.Civ.P. 6(d). Therefore, three (3) days are added after the

U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a) should not be filed until entry of the District Court's final judgment.

DATED this 10th day of May, 2016.

/s/ John Johnston  
John Johnston  
United States Magistrate Judge

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period would otherwise expire.